



# Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

RQ-739

June 14, 1994

Gov

RECEIVED

FILE # ML-26833-94

I.D.# 27054

Ms. Susan L. Garrison

JUN 17 94

Assistant Attorney General

Open Records Section

Office of the Attorney General

P. O. Box 12548

Austin, Texas 78711-2548

Opinion Committee

Re: Open Records Request #24571

OR 94-234

Dear Ms. Garrison:

Re: 26833

The Texas Department of Transportation (TxDOT) respectfully request your reconsideration of the referenced open records request. This request was made by Texas Concrete Company, of Victoria as to business-related information on Manco of San Antonio.

Manco is a Disadvantaged Business Enterprise (DBE) Company certified by TxDOT to do business with us on federal aid construction projects. We believe, as record holders of business information furnished by Manco for certification purposes, to release this information to their competitors, would have an adverse affect on our DBE Program.

By being required to release such personal company information (this information that is presently on file with TxDOT, but does not truly belong to TxDOT), will provide an unfair competitive advantage to other contractors and suppliers.

We also believe that release of this type information would be counterproductive as future firms, which intend to certify as DBE's, may have second thoughts as to the value of certification with the potential of their companies and being exposed to their competition.

Finally, for our agency to stay in compliance with various state laws, riders, executive orders, and Federal Highway Administration rulings, our DBE program will be taking a major step backwards if we continually have to release information on our certified firms in our DBE Program.

Ms. Susan Garrison  
June 14, 1994  
Page 2

I am available to discuss this with you at your request and am hopeful that you will reconsider your open records opinion on ID #24571.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. G. Burnett", with a stylized flourish at the end.

Wm. G. Burnett, P.E.  
Executive Director

cc: Commissioner David Bensen, Texas Department of Transportation  
Rubén Cárdenas, Commission Member, Texas Department of Transportation  
Anne Wynne, Commission Member, Texas Department of Transportation  
Ms. LaJuana Glaze, FHWA  
Mr. Carlos Cerna, President, Manco